



**IN THE COURT OF APPEAL**  
**AT NAKURU**

**CORAM: SHAH, J.A. (IN CHAMBERS)**

**CRIMINAL APPLICATION NO. NAI. 27 OF 2002 (NAK 8/02)**

**BETWEEN**

**SAMSON MOGAL LONGALAMOI.....APPLICANT**

**AND**

**REPUBLIC .....RESPONDENT**

**(An application for extension of time to lodge Notice of Appeal  
out of time in an intended appeal from the judgment of the High  
Court of Kenya at Eldoret (Tunya, J) dated 8th February, 2002**

**in**

**H.C.CR.A. NO. 138 OF 1999**

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**R U L I N G**

The applicant was convicted of the offence of *simple robbery contrary to section 296(1)* of the **Penal Code** , by the magistrate's court. On appeal the High Court sentenced him to death on the basis that the offence disclosed was that of *robbery with violence contrary to section 296(2)* of the **Penal Code** . From what the applicant tells me I cannot be sure if he did lodge a notice of appeal. He says he thumb-printed a document. I allow this application and for avoidance of doubt extend time to lodge his notice of appeal by fourteen days from today. I direct the Registry to prepare record of appeal as soon as possible after the notice of appeal is lodged. I also direct that the applicant do have a counsel appointed to argue his appeal.

**Dated and delivered at Nakuru this 25th day of February, 2003.**

**A.B. SHAH**

**JUDGE OF APPEAL**

I certify that this is a true copy of the original.

**DEPUTY REGISTRAR**

